



ITW  
28/13

LAW OFFICES

**FREILICH, HORNBAKER & ROSEN**

PROFESSIONAL CORPORATION

ARTHUR FREILICH  
ROBERT D. HORNBAKER  
LEON D. ROSEN  
TIMOTHY T. TYSON

10960 WILSHIRE BOULEVARD, SUITE 1220  
LOS ANGELES, CA 90024-3702  
TEL. (310) 477-0578 • FAX (310) 473-9277  
E-MAIL l.rosen@prodigy.net

SAN FERNANDO VALLEY OFFICE  
9045 CORBIN AVENUE, SUITE 260  
NORTHRIDGE, CA 91324  
TEL (818) 678-6408

PATENTS, TRADEMARKS & RELATED INTELLECTUAL PROPERTY MATTERS

**C-CPI-0095**

October 14, 2004

Hon. Commissioner for Patents  
Washington, DC 20231

In re Application of:

Hervé Guy Bricaud, et al.

Serial No.: 10/054,432

Group Art Unit: 2833

Filed: January 22, 2002

Examiner: Ross N. Gushi

For: SMART CARD WITH LOCKING  
SENSING SWITCH

Dear Sir/Madam:

Enclosed are the following:

1. Substitute Amendment (11 pages)
2. Copy of Notice of Non-Compliant Amendment dated October 8, 2004.
3. Return Postcard.

Applicant notes that a check for \$86.00 was paid with the earlier Amendment filed September 28, 2004.

The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 06-1985.

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail on October 14, 2004 and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

Leon D. Rosen  
Reg. No. 21,077  
Attorney for Applicant

LDR/ks  
Encl.  
cc: Roger C. Turner

# BEST AVAILABLE COPY

02/07/2004 02:15 FAX 703 306 3186

USPTO

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Paper No.

10054432

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 9-28-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

<input type="checkbox"/>	1. Amendments to the specification:
<input type="checkbox"/>	A. Amended paragraph(s) do not include markings.
<input type="checkbox"/>	B. New paragraph(s) should not be underlined.
<input type="checkbox"/>	C. Other _____
<input type="checkbox"/>	2. Abstract:
<input type="checkbox"/>	A. Not presented on a separate sheet. 37 CFR 1.72.
<input type="checkbox"/>	B. Other _____
<input type="checkbox"/>	3. Amendments to the drawings: _____
<input checked="" type="checkbox"/>	4. Amendments to the claims:
<input type="checkbox"/>	A. A complete listing of <u>all</u> of the claims is not present.
<input type="checkbox"/>	B. The listing of claims does not include the text of all claims (including withdrawn claims)
<input type="checkbox"/>	C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
<input checked="" type="checkbox"/>	D. The claims of this amendment paper have not been presented in ascending numerical order.
<input type="checkbox"/>	E. Other: <u>Clm 26 is out of sequential order</u>

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/procnotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

*[Signature]*  
Lead Examiner (LIE)

571-272-1859  
Telephone No.

Rev. (10/01)



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**C-CPI-0095**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	
Herve' Guy Bricaud, et al.	:	
Serial No.: 10/054,432	:	Group Art Unit: 2833
Filed: January 22, 2002	:	Examiner: Ross N. Gushi
For: SMART CARD WITH LOCKING SENSING SWITCH	:	

SUBSTITUTE AMENDMENT

Hon. Commissioner for Patents	October 14, 2004
Washington D.C. 20231	Los Angeles, CA 90024

An original amendment was filed in this case on September 28, 2004. A Notice of Non-Compliant Amendment (copy enclosed) dated October 8, 2004 informs applicant of non-compliance because claim 26 was out of sequential order. Applicant notes that if page 8 of the original amendment is placed between pages 7 and 9, that claim 26 is then in sequential order. Please enter this Substitute Amendment as a replacement for the original amendment.

In The Title:

Change the title to:

-- SMART CARD CONNECTOR WITH LOCKING SWITCH"